APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,273	03/10/2004	Sean Afshin Emam	MS306991.01/MSFTP565US	2950

			EXAMINER
27195	7590	01/11/2006	PHAN, JOSEPH T

AMIN & TUROCY, LLP
24TH FLOOR, NATIONAL CITY CENTER
1900 EAST NINTH STREET
CLEVELAND, OH 44114

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr><td rowspan="3">Office Action Summary</td><td>Application No.
10/797,273</td><td>Applicant(s)
EMAM ET AL.</td></tr>
<tr><td>Examiner
Joseph T. Phan</td><td>Art Unit
2645</td></tr>
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 October 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-38</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-38</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claims 1,14, 17, 24, and 32 rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

Claim 1 line 6, claim 14 line 5, claim 17 line 4, claim 24 line 5, and claim 32 line 3

recites "the client". It is unclear and confusing if the phrase "the client" is referring to a

person that is not recited in the claim or to the antecedent basis of a "client computer

system", a "client device" or "client rules". Referring to the antecedent basis phrases

would lead to enablement issues. Therefore the claim is indefinite. Appropriate

clarification and/or correction are required.

Claims 1,14, 17, 24, and 32 recite *"...the rules are based upon an inferred*

current status of the client based upon at least one of the client's calendar application,

video camera, microphone, keyboard, PDA, vehicle, and GPS." This phrase is

grammatically incorrect which make the claims unclear and confusing as it is not known

if "the rules" or "the client" is based upon at least one of the application, camera,

microphone, etc. Furthermore, the phrase is unclear what "the rule" or "the client" is

based upon since the application and devices do not recite a condition/action for the

rules/client to be based upon. For an example interpretation, how can "the current

status of the client" be based upon "the client's microphone". Appropriate clarification

and/or correction are required.

Claim 1 line 5 recites "the rules and preferences" which lacks antecedent basis

as line 4 only recites "the rules or preferences". Appropriate clarification and/or

correction are required.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-38 rejected under 35 U.S.C. 102(e) as being anticipated by Bates et al.,

Patent #6,631,181.

Regarding claim 1, Bates teaches a call processing system(Fig.1) comprising:

a switch component to receive incoming telephone calls and a client computer system

that receives data from the switch component regarding caller identity and generates a

customized response in accordance with user defined rules or preferences, the rules

and preferences are based at least upon an inferred current status of the client based

upon at least one of the client's calendar application, video camera, microphone,

keyboard, PDA, vehicle, and GPS*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52;*

dependent upon detected location/GPS or schedule/calendar of the client).

Regarding claim 2, Bates teaches the system of claim 1, the computer system comprising a call processing component that generates a message to be played to a caller*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52)*.

Regarding claim 3, Bates teaches the system of claim 2, the call processing component comprising a preference store for housing user defined rules*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52)*.

Regarding claim 4, Bates teaches the system of claim 3, further comprising a preference application programming interface component adapted to receive one or more preferences and store them in the preference store*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52)*.

Regarding claim 5, Bates teaches the system of claim 2, further comprising a preference execution component adapted to receive and/or retrieve preferences from the preference store and generate a response to an incoming call*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52)*.

Regarding claim 6, Bates teaches the system of claim 2, further comprising a translation component adapted to translate a message from a first language to a second language(*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52; translates system language to english language)*.

Regarding claim 7, Bates teaches the system of claim 2, wherein the call processing component provides for a client subscriber to be notified*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52)*.

Regarding claim 8, Bates teaches the system of claim 7, further comprising a context

component that determines client context to facilitate selection of an appropriate

notification device and means of notification*(Fig.2 and col.4 lines 21-65 and col.6 lines

21-52).*

Regarding claim 9, Bates teaches the system of claim 8, the notification device

including one of a mobile phone, a pager, a personal computer and a personal digital

assistant*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52).*

Regarding claim 10, Bates teaches the system of claim 1, wherein the preferences

define responses based on a client's status at a given time as specified in a calendar

application*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52).*

Regarding claim 11, Bates teaches the system of claim 1, wherein the client

computer system is a personal computer*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-

52).*

Regarding claim 12, Bates teaches the system of claim 1, wherein the client

computer system is a television set-top box*(Fig.2 and col.4 lines 21-65 and col.6 lines

21-52).*

Regarding claim 13, Bates teaches the system of claim 1, wherein the client

computer system is a gaming console*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52).*

Regarding claim 14, Bates teaches a dynamic call processing system comprising: a

means for receiving incoming calls(Fig.1); a means for providing a client device

information about a caller; and a means for dynamically constructing a message for the

caller based at least in part on client specified rules, the rules are based at least upon

an inferred current status of the client based upon at least one of the client's calendar application, video camera, microphone, keyboard, PDA, vehicle, and GPS*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52; dependent upon detected location/GPS or schedule/calendar of the client).*

Regarding claim 15, Bates teaches the system of claim 14, further comprising a means of playing the constructed message to the caller*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52).*

Regarding claim 16, Bates teaches the system of claim 14, further comprising a means for notifying a client subscriber of a phone call*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52).*

Regarding claim 17, Bates teaches a method of call processing comprising: receiving an incoming call, validating the caller against one or more client rules; and constructing a customized message for the caller, the rules are based at least upon an inferred current status of the client based upon at least one of the client's calendar application, video camera, microphone, keyboard, PDA, vehicle, and GPS*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52; dependent upon detected location/GPS or schedule/calendar of the client).*

Regarding claim 18, Bates teaches the method of claim 17, further comprising playing the message to the caller*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52).*

Regarding claim 19, Bates teaches the method of claim 17, wherein the call is parked after it is received to provide sufficient time for message construction*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52).*

Regarding claim 20, Bates teaches the method of claim 19, wherein a ring tone is simulated while the call is parked*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52)*.

Regarding claim 21, Bates teaches the method of claim 19, wherein an audio message asks the caller to hold while the call is processed*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52)*.

Regarding claim 22, Bates teaches the method of claim 17, further comprising notifying a called person of a call*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52)*.

Regarding claim 23, Bates teaches the computer readable medium having stored thereon computer executable instructions for carrying out the method of claim 17*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52)*.

Regarding claim 24, Bates teaches a method for providing customized call responses comprising: receiving an incoming telephone call from a caller, providing a client device caller identification information, receiving a message from the client device, the message based at least upon an inferred current status of the client based upon at least one of the client's calendar application, video camera, microphone, keyboard, PDA, vehicle, and GPS; and playing the message for the caller*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52; dependent upon detected location/GPS or schedule/calendar of the client)*.

Regarding claim 25, Bates teaches the method of claim 24, wherein the call is received utilizing a telecommunication switch*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52)*.

Regarding claim 26, Bates teaches the method of claim 24, further comprising

parking the call after receiving it to provide sufficient time to receive a message from the

client device*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52).*

Regarding claim 27, Bates teaches the method of claim 26, wherein parking a call

includes simulating a ring tone*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52).*

Regarding claim 28, Bates teaches the method of claim 26, wherein parking a call

include asking a caller to hold while the call is processed*(Fig.2 and col.4 lines 21-65*

and col.6 lines 21-52).

Regarding claim 29, Bates teaches the method of claim 24, wherein the client device

applies client preferences to generate customized messages for each caller or group of

callers*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52).*

Regarding claim 30, Bates teaches the method of claim 24, further comprising

notifying a client subscriber of call*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52).*

Regarding claim 31, Bates teaches the computer readable medium having stored

thereon computer executable instructions for carrying out the method of claim 24*(Fig.2*

and col.4 lines 21-65 and col.6 lines 21-52).

Regarding claim 32, Bates teaches the customized call processing methodology

comprising: receiving caller identification information; and

generating a customized message, wherein the message is a function of particular

caller and a specified client rule, the rule is based at least upon an inferred current

status of the client based upon at least one of the client's calendar application, video

camera, microphone, keyboard, PDA, vehicle, and GPS*(Fig.2 and col.4 lines 21-65 and*

col.6 lines 21-52; dependent upon detected location/GPS or schedule/calendar of the

client).

Regarding claim 33, Bates teaches the method of claim 32, wherein the caller

identification information is received from a telecommunication company*(Fig.2 and col.4*

lines 21-65 and col.6 lines 21-52).

Regarding claim 34, Bates teaches the method of claim 32, wherein the caller

identification information is received via an instant messaging channel, thereby avoiding

interference from firewalls*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52).*

Regarding claim 35, Bates teaches the method of claim 32, wherein the customized

message is a function of the called party's status*(Fig.2 and col.4 lines 21-65 and col.6*

lines 21-52).

Regarding claim 36, Bates teaches the method of claim 35, the called party's status

is determined utilizing data associated with one or more software applications stored on

the party's computing device*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52).*

Regarding claim 37, Bates teaches the method of claim 36, wherein the application is

a calendar or scheduling application*(Fig.2 and col.4 lines 21-65 and col.6 lines 21-52).*

Regarding claim 38, Bates teaches the computer readable medium having stored

thereon computer executable instructions for carrying out the method of claim 32*(Fig.2*

and col.4 lines 21-65 and col.6 lines 21-52).

Response to Arguments

3.   Applicant's arguments with respect to claims 1-38 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

JTP
January 5, 2006

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600